

AN ACT

relating to the prosecution for the offense of injury to a child,  
elderly individual, or disabled individual.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 22.04(a-1) and (i), Penal Code, are  
amended to read as follows:

(a-1) A person commits an offense if the person is an owner,  
operator, or employee of a group home, nursing facility, assisted  
living facility, boarding home facility, intermediate care  
facility for persons with an intellectual or developmental  
disability [~~mental retardation~~], or other institutional care  
facility and the person intentionally, knowingly, recklessly, or  
with criminal negligence by omission causes to a child, elderly  
individual, or disabled individual who is a resident of that group  
home or facility:

(1) serious bodily injury;

(2) serious mental deficiency, impairment, or injury;

or

(3) bodily injury.

(i) It is an affirmative defense to prosecution under  
Subsection (b)(2) that before the offense the actor:

(1) notified in person the child, elderly individual,  
or disabled individual that the actor [~~he~~] would no longer provide  
any of the care described by Subsection (d), [+] and

1           ~~[(2)]~~ notified in writing the parents or a person,  
2 other than the actor, [~~himself~~] acting in loco parentis to the  
3 child, elderly individual, or disabled individual that the actor  
4 [~~he~~] would no longer provide any of the care described by Subsection  
5 (d); or

6           (2) ~~[(3)]~~ notified in writing the Department of Family  
7 and Protective [~~and Regulatory~~] Services that the actor [~~he~~] would  
8 no longer provide any of the care described by [~~set forth in~~]  
9 Subsection (d).

10           SECTION 2. Section 22.04(c)(3), Penal Code, is amended to  
11 read as follows:

12           (3) "Disabled individual" means a person:  
13           (A) with one or more of the following:  
14                   (i) autism spectrum disorder, as defined by  
15 Section 1355.001, Insurance Code;  
16                   (ii) developmental disability, as defined  
17 by Section 112.042, Human Resources Code;  
18                   (iii) intellectual disability, as defined  
19 by Section 591.003, Health and Safety Code;  
20                   (iv) severe emotional disturbance, as  
21 defined by Section 261.001, Family Code; [~~or~~]  
22                   (v) traumatic brain injury, as defined by  
23 Section 92.001, Health and Safety Code; or  
24                   (vi) mental illness, as defined by Section  
25 571.003, Health and Safety Code; or

26           (B) who otherwise by reason of age or physical or  
27 mental disease, defect, or injury is substantially unable to

1 protect the person's self from harm or to provide food, shelter, or  
2 medical care for the person's self.

3           SECTION 3. The change in law made by this Act applies only  
4 to an offense committed on or after the effective date of this Act.  
5 An offense committed before the effective date of this Act is  
6 governed by the law in effect on the date the offense was committed,  
7 and the former law is continued in effect for that purpose. For  
8 purposes of this section, an offense was committed before the  
9 effective date of this Act if any element of the offense occurred  
10 before that date.

11           SECTION 4. This Act takes effect September 1, 2017.

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President of the Senate

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Speaker of the House

I certify that H.B. No. 3019 was passed by the House on May 6, 2017, by the following vote: Yeas 144, Nays 0, 2 present, not voting.

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Chief Clerk of the House

I certify that H.B. No. 3019 was passed by the Senate on May 22, 2017, by the following vote: Yeas 31, Nays 0.

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Secretary of the Senate

APPROVED: \_\_\_\_\_

Date

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Governor